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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

I. INTRODUCTION

1. The present report is submitted to the Security Council in compliance with resolution 791 (1992), by which the Council decided to extend the mandate of the United Nations Observer Mission in El Salvador (ONUSAL) for a further period of six months ending on 31 May 1992 and requested me to report as necessary on all aspects of ONUSAL's operations, at the latest before the expiry of the new mandate period. It follows my reports of 23 November 1992 (S/24833) on the overall implementation of the agreements signed between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), and of 23 December 1993 (S/25006), by which I informed the Council that the armed conflict in El Salvador had been brought formally to an end on 15 December 1992. Subsequently, in letters dated 7, 26 and 29 January and 2 April 1993 (S/25078, S/25241, S/25200 and S/25516), I informed the members of the Security Council of developments relating to specific aspects of the implementation of the Peace Accords.

2. ONUSAL continued to carry out the verification and related functions assigned to it under the direction of Mr. Iqbal Riza, my Special Representative, until 6 March 1993. As Mr. Riza assumed new responsibilities at United Nations Headquarters, I appointed Mr. Augusto Ramírez-Ocampo as my Special Representative and Chief of the Mission. Brigadier-General Victor Suanzes Pardo, Chief of the Military Division, served as the Interim Chief of Mission until Mr. Ramírez-Ocampo assumed his post in El Salvador on 14 April 1993.

3. The first phase of the timetable for implementation of the agreement signed in Mexico City on 16 January 1992 (see S/23501, annex) having successfully been brought to a close, the priority assigned to military aspects in the preceding period moved to other provisions of the agreements. These provisions will continue to be binding on both the Government and FMLN until their full implementation.

4. Difficulties arose in January 1993 after both sides failed to comply with some of their commitments. On 6 November 1992, the Government had undertaken to implement fully by 1 January 1993 the recommendations contained in the report of

the Ad Hoc Commission on the purification (depuración) of the armed forces. However, this undertaking was only partially complied with and on 7 January 1993 I informed the Council (see S/25078) that in respect of 15 of the 102 officers mentioned in the report the Government had not taken measures in accordance with the Commission's recommendations and was thus not in compliance with the Peace Accords. As I reported then and in subsequent communications, I repeatedly urged President Cristiani to regularize that situation and to take the necessary action in respect of these officers. Only on 2 April 1993 was I in a position to report to the Council (S/25516) that the Government had made a commitment which, when implemented, would bring it into broad compliance with the recommendations of the Ad Hoc Commission.

5. The question of the purification of the armed forces had not been settled when the Commission on the Truth, which was to investigate the most serious acts of violence committed during the conflict, submitted its report on 15 March 1993 (see section V). Extreme positions were adopted and tension mounted as the High Command of the armed forces, the President of the Supreme Court, highly placed government officials and some political leaders, as well as segments of the media, vehemently and publicly rejected the findings and recommendations of the Commission on the Truth. There was strident criticism of the United Nations and renewed publication of anonymous threats against ONUSAL.

6. A week after the report was published, a general amnesty was approved by simple majority in the Legislative Assembly. I expressed my concern at the haste with which this step had been taken and my view that it would have been preferable if the amnesty had been promulgated after creating a broad degree of national consensus in its favour. The amnesty was criticized by sectors of the opposition and by FMLN for the same reasons as well as for certain specific provisions it contained. The Government countered that the political parties represented in the Legislative Assembly had agreed to a possible amnesty in a document signed hours before the approval, on 23 January 1992, of the law on national reconciliation, under which FMLN members were able to re-enter El Salvador legally - though this document was cast in very broad terms and did not specify when the amnesty should be enacted.

7. For its part FMLN, after starting the destruction of the arms it had concentrated in designated locations under ONUSAL's supervision, slowed this process which, by the end of December, had come to a virtual standstill. FMLN conditioned the resumption of destruction on the outcome of discussions which it was holding directly with the Government on a number of undertakings relating to the implementation of the Peace Accords, on which agreements were finally reached on 4 February. FMLN thereupon resumed destruction of its weapons in the designated zones and the process concluded on 11 February. On 29 January I had reported to the Council on this delay (S/25200). Destruction of FMLN weapons located outside El Salvador and of other categories of weapons was carried out subsequently (see para. 15).

8. Despite these complications, implementation of several key commitments under the Accords has continued to progress: the programme for the transfer of lands, although proceeding at a slow pace and with serious financial difficulties, is now well under way; deployment of the National Civil Police (PNC) started after the first classes graduated from the National Academy for Public Security in February 1993. Further, at the Government's request, ONUSAL

has taken on the additional task of providing professional assistance to the National Civil Police. Given the considerable delays in these areas, an extraordinary effort will have to be made to ensure substantial advances before the general elections of March 1994. As was evident during the last World Bank Consultative Group meeting in April this year (see section X), the main constraint in this regard has been the preference of the donor community to finance infrastructural and environmental programmes rather than the above-mentioned peace-related programmes, crucial though they are to the successful implementation of the Accords.

9. Important progress in the implementation of other key commitments has also been made since my last report. For example, the restoration of public administration in the former zones of conflict, in particular the return of mayors and judges who had to leave their jurisdictions during the conflict, was a major achievement (see section VIII). The enactment of legislative reforms on the judiciary, the electoral system and other vital issues of the peace process was also important. In the area of human rights, the National Counsel for the Defence of Human Rights (Ombudsman) (Procuraduría Nacional para la Defensa de los Derechos Humanos) has opened regional offices to discharge his duties more effectively.

10. The National Commission for the Consolidation of Peace (Comisión Nacional para la Consolidación de la Paz) (COPAZ), where the Government, FMLN and political parties are represented, has continued to seek consensus on various draft laws and other measures related to the Peace Accords. Although in disagreement over its mandate at this stage of the peace process, the entities that comprise COPAZ have continued to participate in plenary sessions, albeit at times at a level lower than in the past. Work has likewise proceeded in the various subcommissions of COPAZ. COPAZ has also been discussing implementation of the recommendations of the Commission on the Truth. Progress has been very slow, however, and it has not yet been possible to agree on an overall unified proposal.

11. As I informed the Security Council (see S/25241), on 8 January 1993 the Government officially requested the United Nations to observe the general elections scheduled for March 1994, which should mark the culmination of the peace process. Since March, attention has increasingly been focused on these elections as, in the prevailing atmosphere of freedom of expression and respect for political rights, the political parties have engaged in a lively public debate over issues, candidates and alliances. Some parties have already selected their presidential candidates. A United Nations technical mission visited El Salvador in April in order to assess requirements, in the expectation that the Council will accede to the Government's request for observation of the elections by the United Nations.

12. It is in this context that the work of ONUSAL during the current mandate period is described below, followed by my observations and recommendations.

II. MILITARY ASPECTS

A. Military Division

13. Since the formal end of the armed conflict, ONUSAL's Military Division, which remains under the command of Brigadier-General Victor Suanzes Pardo until 31 May 1993, has continued to verify the remaining aspects of the cease-fire process, including the destruction of FMLN weapons and the reduction of the Armed Forces of El Salvador (FAES). It also monitors the recovery of military weapons held by private individuals, the introduction of the new armed forces reserve system and relevant aspects of other pending commitments under the armed forces chapter of the Peace Accords. In addition, the Division has contributed to the consolidation of peaceful conditions by its presence throughout the territory, particularly in the former zones of conflict and through the deployment and patrols of its military observer groups. The Division has also facilitated meetings between the teams involved in the Plan for the Prevention of Accidents from Mines (Plan de Prevención de Accidentes de Minas) and monitors its execution (see para. 22). There will be a continuing need for military observers in the field, should the Council decide to renew ONUSAL's mandate.

14. In May 1993, the Military Division had a strength of 74 military observers from Brazil, Canada, Colombia, Ecuador, India, Ireland, Spain, Sweden and Venezuela and 7 medical officers from Argentina. Following the end of the armed conflict and the subsequent reduction in the number of military observers in line with the intention expressed in my report of 23 November 1992 (S/24833, para. 13), the Division was restructured and redeployed in two regional offices in the eastern and western parts of the country. Given the advances in the peace process, the military component of the Mission will be further reorganized and reduced after 31 May 1993. In view of the tasks still to be carried out, it would be my recommendation that the number of observers be reduced to 38, including the 7 medical officers, and headed at the level of colonel.

B. Cessation of the armed conflict

15. Following the formal end of the armed conflict, the Division closed its 15 verification centres, 6 of which were transferred to the Police Division for use by the Auxiliary Transitory Police (see para. 38). That same day saw the final demobilization and incorporation into civilian life of the remaining FMLN ex-combatants, although the destruction of their arms, which at that time stood at 65 per cent of the inventory presented by FMLN, was delayed in some verification centres since FMLN conditioned their destruction on the implementation of complementary commitments undertaken by the Government. Subsequently, the gradual destruction of conventional and sophisticated FMLN weapons, which were concentrated in El Salvador under ONUSAL control, as well as that of weapons deposited outside the country, resumed under ONUSAL's verification. By 11 February, all the arms stored in the FMLN concentration areas had been destroyed and on 1 April the destruction of arms in deposits outside El Salvador was completed. Thus effectively the arms listed in the FMLN inventory presented to ONUSAL have been destroyed, except for a small quantity of individual weapons - about 3.5 per cent of the total - which were reported lost or stolen before their scheduled destruction. ONUSAL now has in its custody a very small number of sophisticated FMLN weapons, the destruction of

which FMLN had scheduled to coincide with full compliance by the Government with the recommendations of the Ad Hoc Commission, due at the end of June. This arrangement has been understood and accepted by the Government. The Military Division is currently investigating the discovery of small caches of weapons presumed to have belonged to FMLN, which have drawn strong protest from the Government.

C. Reduction of the Armed Forces of El Salvador (FAES)

16. Pursuant to the New York Agreement of 25 September 1991 (A/46/502-S/23082, annex), the Government submitted a plan for the reduction of FAES to a size which it judged appropriate to its new doctrine and functions, as established in amendments to the Constitution that were agreed upon in April 1991. This plan provided for a 50.2 per cent reduction of FAES combatants, including demobilization of the five rapid reaction infantry battalions (batallones de infantería de reacción inmediata) (known as BIRIs). The reduction was to begin on 1 February 1992 and was scheduled to end in January 1994.

17. At the end of December 1992, FAES decided to accelerate the process of reduction of the infantry battalions and to complete it ahead of schedule. As a result, the demobilization of 15 battalions which was to have been effected during the whole of 1993 was carried out in January alone. The last BIRI was demobilized on 6 February 1993 and the overall process of reduction of FAES was completed on 31 March 1993.

18. The effective reduction of FAES personnel has been greater than the 50.2 per cent envisaged in the Government's original plan and in fact has reached 54.4 per cent. A further reduction in officers is envisaged, although this is subject to the development of plans for their reincorporation in civilian life.

D. Introduction of the new armed forces reserve system

19. In accordance with the new law governing military service and reserve service adopted on 30 July 1992 (see S/24833, para. 25), 14 departmental recruitment and reserve centres have been established. Of the planned 30 subsidiary offices, only 3 will be set up during 1993, reportedly owing to lack of resources.

E. Recovery of military weapons held by private individuals

20. Under the Peace Accords the recovery of military weapons held by private individuals was to have been finalized by 28 October 1992. In fact, by the time the armed conflict ended on 15 December 1992, this process had barely started. On 22 December, the Government and FMLN established a new deadline of 31 March 1993 for compliance with this commitment, under the verification of ONUSAL. The fact that, two months later, the process remains at a virtual standstill is a source of grave concern.

21. Only 40 per cent of the arms included on the lists provided by FAES have been recovered and the number of weapons that the Division has been able to verify is even smaller. Even more disturbing is the likelihood that the FAES inventory does not include all the weapons that were distributed by FAES during the years of conflict. The Government has given various explanations for the delay in implementation, but these do not lessen the seriousness of non-compliance which engenders a sense of insecurity in the population and may even be a factor in the high level of crime in the country (see para. 44). The assurances given by the Government and FAES that they genuinely wish to move ahead on this subject must be translated into more energetic measures that will permit the full implementation of this part of the Agreement as soon as possible. This will require continuing follow-up on the part of the Military Division of ONUSAL.

F. Coordination of the clearing of minefields

22. After participating in the working group that carried out the marking of minefields (see S/24833, para. 21), the Military Division is now engaged in the coordination of the Plan for the Prevention of Accidents from Mines. Under the Plan, mines and other explosive artifacts found in locations indicated by FMLN under ONUSAL supervision are being destroyed by a civilian company with which FAES members and FMLN ex-combatants are cooperating. Military observers are present in the area during the clearing of the minefields and issue records of proceedings on the artifacts destroyed. The European Community (EC) and countries providing funds for the Plan have expressed the desire that the execution of the programme and resulting expenditures be cleared through ONUSAL, which is considering the practicability of this request.

G. Other matters

23. According to the 22 December 1992 agreement, the Government should have published the new FAES doctrine twice in all newspapers and by way of radio commercials, so that society as a whole might be informed of it. This has not been done and therefore constitutes an unfulfilled commitment.

24. After lengthy discussions in COPAZ, it is expected that a draft law on the regulation of private security services will be submitted soon to the Legislative Assembly for approval.

III. PUBLIC SECURITY MATTERS

A. Police Division

25. The Police Division continues to perform its assigned role of monitoring and assisting the National Police during the period of transition until its replacement by the new police force established by the Accords, the National Civil Police (PNC). Since October of last year, the Division has also been supervising and supporting the Auxiliary Transitory Police (Policía Auxiliar Transitoria) (PAT), which is responsible for maintaining public order and security in the former zones of conflict until its replacement by the new police

force. The Division has assumed additional functions as a result of the deployment of the National Civil Police in 3 of the 14 departments. In response to a request submitted by the Government and in close coordination with the international technical team that provides advice to the Director-General of PNC, the Division is evaluating the performance of the new police force in the field and providing it with technical advice and logistical support.

26. The Division has continued to assist in efforts to locate illegal arms caches and to support the Human Rights Division, to which 18 police observers are seconded. Police observers conduct special inquiries when required and ensure that appropriate security measures are provided for FMLN leaders, as established by the Accords. The Division also provides observers for the admission examinations to the National Public Security Academy.

27. The strength of the Division, which continues to be commanded by General Homero Vaz Bresque (Uruguay), is currently 315 police observers. They are contributed by Austria, Chile, Colombia, France, Guyana, Italy, Mexico, Norway, Spain and Sweden.

B. National Public Security Academy

28. The Academy, which trains the new National Civil Police (PNC), started its activities on 1 September 1992. The first two classes graduated simultaneously on 5 February 1993 and the third on 17 May 1993. Graduates have already joined PNC. Delays in the refurbishment of the premises of the Academy account at least in part for the three-month gap between the graduation of the first two classes and the third one. The Academy has announced that, henceforth, the completion of future courses, each comprised of some 300 graduates, will take place once a month. The Academy currently houses five full basic-level classes (about 1,800 trainees), one executive-level class (78 trainees) and one senior-level class (34 trainees). It has taken steps to train six full basic-level classes simultaneously. Thus, by the end of the year, about 5,500 students are expected to have joined the Academy and approximately 3,000 should have graduated.

29. The Academy has been functioning in temporary premises pending construction of permanent premises on a site which the Government purchased in December 1992. Financing will be needed for such requirements as a laboratory, library and sports and recreational facilities. Further, the Academy has to complete the construction of a firing range and facilities for practical training in police techniques, and to purchase training weapons and ammunition.

30. As I reported to the Security Council last November (S/24833, para. 37), the Academic Council accepted for the senior and executive levels 10 candidates from the National Police to which they had been transferred from the National Guard (Guardia Nacional) and the Treasury Police (Policía de Hacienda) after the signing of the Peace Agreement on 16 January 1992. This was done despite ONUSAL objections that this action contravened the Accords and subsequent undertakings by the Government. After undergoing four months of training abroad, these candidates joined the PNC as provisional commands (mandos provisionales). ONUSAL has held several discussions with the Government on this subject and has recommended that the admission of these officers be deemed exceptional so that

it will not create a precedent. In order to eliminate such problems in the future, ONUSAL has recommended that a specially designed test be prepared for candidates from the National Police and for FMLN ex-combatants for the next admission examinations for the executive and senior levels.

31. The Academy has continued to receive the support of an international technical team of experts from Spain and the United States of America which provides the Director and the Academic Council with advice on aspects such as the recruitment and selection process, curricula, finances and the disciplinary regime of the Academy. Instructors from Chile, Norway, Spain and the United States of America are fully involved in training activities. Currently, the Academy has a total of 33 international experts and instructors.

32. Since January 1993, the effective monitoring of the functioning of the Academy has been strengthened by the presence of an ONUSAL observer in the Academic Council. The Mission has also continued to monitor the admission examinations and to recommend improvements where necessary. ONUSAL is also providing support to the Academy to strengthen its training courses on human rights.

33. As the Security Council is aware, I have appealed to the international community for financial support for the Academy, which has a crucial role to play in preparing the personnel for the new police force, a key component of the Peace Accords. Although valuable, the support received so far remains insufficient and a major effort by donor Governments is required. At the same time, however, it is incumbent on the Government of El Salvador to marshal its own resources and give the Academy the necessary budgetary priority to place it on a solid footing for attracting external assistance.

C. National Civil Police

34. The territorial deployment of the National Civil Police (PNC) started in March 1993 with the establishment of 18 police stations in one department. It has now reached a total of 34 stations, in 3 departments. The Government is committed to effecting monthly deployments this year in seven more departments, leaving deployments in the remaining four for 1994. It is also committed to organizing and deploying this year most of the functional divisions of the PNC. This will require additional international support, mostly in training and equipment. According to the Government's timetable, the PNC could be fully deployed and functional by September 1994. By then, the National Police should have been entirely phased out and replaced by the new police force.

35. The Government and FMLN agreed on 22 December 1992 that the personnel and equipment of the Criminal Investigation Commission (Comisión de Investigación de Hechos Delictivos) and the Special Anti-narcotics Unit (Unidad Especial Antinarcotráfico) would be gradually transferred to the Criminal Investigation Division (División de Investigación Criminal) and the Anti-narcotics Division (División Antinarcotráfica) of the PNC, respectively. The Director-General of the PNC, under the supervision of ONUSAL, will evaluate the professional competence and the capacity to function in the new police force of the personnel of these bodies, who will also have to undergo a special training course in the

Academy on the new police doctrine. The planned transfer has not yet taken place.

36. The Director-General of the PNC receives advice from a technical team from the United States on the organization and territorial and functional deployment of the PNC. ONUSAL, in coordination with the team when necessary, provides the new police force with technical advice and logistical support and evaluates its performance in the field. The evaluations are transmitted to the PNC and to the Academy. It has become evident that the PNC requires additional international support in the form of specialized equipment and training expertise.

37. In order to ensure that the PNC assumes the role assigned to it in the Peace Agreement, the Director-General should continue to work closely with the COPAZ subcommittee for the PNC, which serves as his advisory body in the adoption of relevant decisions or measures concerning the new police force, including those not expressly addressed in the Accords. The subcommittee should also continue its overall supervision of the establishment of the PNC until it has fully replaced the National Police.

D. Special regime

38. The Auxiliary Transitory Police (PAT) started its activities in early October 1992 and was deployed in 20 posts in 9 departments by the end of February. The deployment of PNC in three departments has resulted in the closure of nine of these posts. The remaining 11 will be phased out gradually as PNC continues its territorial deployment. PAT may be phased out completely if the recommendation by the Academic Council of the National Public Security Academy to replace it with PNC contingents is accepted by the Director-General of PNC.

39. The Director-General of PNC also has command of PAT. Each of its contingents is under the constant supervision and guidance of ONUSAL police observers, who also provide daily academic instruction. The Police Division provides PAT with logistical support.

E. National Police

40. The Peace Agreement stipulated that the National Police should be responsible for public order and security during the transition period until its complete replacement by PNC. Although such replacement has already taken place in 3 out of 14 departments, the reduction of the National Police has not yet begun. Rather, as I reported to the Security Council in May (S/23999, para. 30) and November 1992 (S/24833, para. 43), the National Police has been strengthened with personnel from the two former public security forces, the National Guard and the Treasury Police, and with self-contained units from one of the demobilized rapid reaction infantry battalions. The Government defends these transfers on the grounds that they are not expressly prohibited by the accords and that the rise in common crime requires it to strengthen the National Police. However, it is ONUSAL's view, which it has communicated to the Government, that such transfers are incompatible with the thrust of the accords and contravene

their spirit, particularly when considered in the light of the slowness, in the early phases, in launching preparations for the Academy and PNC.

41. This situation results in a contradiction. The National Police was meant to be phased out gradually as the National Civil Police was deployed. Instead, it has increased significantly, not only as a result of these transfers, but also through the monthly graduation of some 60 to 100 police officers from the National Police training school which, ONUSAL recently found out, continues to operate. ONUSAL has been informed by the Government that the members of the National Police already replaced by PNC will be redeployed to areas of the country with higher crime rates. While the Agreement did not expressly establish that the reduction of the National Police should be synchronized with the deployment of PNC, it did state very clearly that the new police force should replace the old one. For this reason, it is necessary that, at a minimum, the Government respond to ONUSAL's request for its plan for the reduction of the National Police and, in that connection, that it inform ONUSAL of its plans for the closing of the National Police training school. The Government should also inform the Mission about its plans to dissolve certain police structures, mainly the Batallón Fiscal (the former Customs Police), whose continued existence is evidently incompatible with that of the Finance Division of the National Civil Police.

42. Resources are available for the integration into civilian life of those members of the National Police who will be phased out as the force is reduced. Such personnel will have access to the various reintegration programmes for ex-combatants of both sides. This will help them to adjust to their new circumstances.

43. One of the avenues open to members of the National Police is that of joining PNC through the Academy. On 17 June 1992, the Government and FMLN agreed that up to 20 per cent of the vacancies could be filled by serving National Police and FMLN ex-combatants, in order to maintain a balance between candidates from both sources. It was envisaged that these candidates would be carefully screened. However, during the last admission examination, ONUSAL ascertained that a large number of National Police candidates had left that force four to six years ago, in many cases after being dismissed for disciplinary reasons, and had only rejoined after the Peace Agreement was signed. This is clearly not what was intended in the Peace Agreement and is especially disturbing when linked to the apparent reinforcement, rather than reduction, of the National Police.

F. Problems of common crime

44. In February 1993 the Government, responding to growing public concern, outlined a programme for combating common crime. Although the figures at ONUSAL's disposal do not indicate a dramatic increase in common crime since the Peace Agreement was signed, it is indisputable that the rate is very high and that the end of the armed conflict may have contributed to its being brought to the public's attention. Indeed, common crime is the single most important matter of concern in El Salvador, according to a recent opinion poll. In this light, the Government's programme is seen as a timely one. A further positive

aspect is that the programme limits the participation of the armed forces to the provision of logistical support to the police forces.

IV. HUMAN RIGHTS AND THE ADMINISTRATION OF JUSTICE

45. As pointed out in the sixth report of the Director of the ONUSAL Human Rights Division (S/25521, annex), a factual analysis of respect for human rights in El Salvador reveals a gradual improvement, particularly when compared with that prevailing before the signing of the peace accords. Evidence of that improvement is the fact that not a single case of forced disappearance or torture was recorded during the reporting period (June 1992-January 1993). However, serious violations still persist with regard to the right to life, personal integrity and liberty. The gravity of these violations is underscored by their frequency and gruesome nature. They take place against a background of public insecurity generated by common crime and a high murder rate.

46. The active verification carried out by the Human Rights Division is directed not only at an objective recording of facts, but also at the exercise of good offices aimed at assisting efforts by Salvadorians to find a remedy to violations - some of them systematic - that still persist. In his sixth report, the Director of the Human Rights Division reiterated recommendations made in his previous reports and added 22 new recommendations. ONUSAL and the Government of El Salvador are currently discussing the modalities for full implementation of those recommendations which have not yet been implemented.

47. In carrying out its tasks, the Division cooperates with Salvadorian institutions to strengthen their ability to work in promoting human rights. ONUSAL is thus actively supporting the National Counsel for the Defence of Human Rights in his effort to improve his Office's investigative capacity and to establish regional offices in order to cover the needs of the entire Salvadorian population. In addition, the Division seeks to strengthen its relations with human rights non-governmental organizations that have been working for years under difficult conditions.

48. In the immediate future, in the context of the forthcoming electoral process, the promotion of human rights will require a greater effort from the State and society at large. Full observance of civil and political rights will require the consolidation of the rule of law, one of the ultimate objectives of the Peace Accords.

V. REPORT OF THE COMMISSION ON THE TRUTH

49. The Commission on the Truth was established in accordance with the Mexico Agreements of 27 April 1991 (S/23130, pp. 5 and 16-18). It was entrusted with the task of investigating serious acts of violence that had occurred since 1980 and whose impact on society was deemed to require an urgent public knowledge of the truth. The Commission was composed of three international personalities appointed by the Secretary-General after consultation with the parties: Belisario Betancur, former President of Colombia; Reinaldo Figueredo Planchart, former Foreign Minister of Venezuela; and Thomas Buergenthal, former President of the Inter-American Court of Human Rights and of the Inter-American Institute

for Human Rights. Within six months of starting its work, the Commission was to transmit a final report with its conclusions and recommendations to the parties and to the Secretary-General, who would make it public and would take the decisions and initiatives that he deemed appropriate. The parties undertook to carry out the Commission's recommendations.

50. The handing over of the report, a document of over 200 pages plus annexes of several hundred pages, was originally due in January but, with the parties' agreement, was postponed until 15 March 1993. The report is currently being translated into the official languages and it is hoped that it will be available for circulation as a document of the Security Council in early June.

51. The Commission received over 22,000 complaints of serious acts of violence which had occurred between January 1980 and July 1991. More than 60 per cent of the complaints referred to extra-judicial executions and more than 25 per cent to forced disappearances; more than 20 per cent included complaints of torture. The Commission's report describes about 30 cases which it deemed to fall into the category of serious acts of violence, as described in paragraph 49 above, and which were chosen to illustrate the different patterns of violence. These are classified as violence by agents of the State; massacres of peasants by the Armed Forces; assassinations by death squads; violence by the FMLN; and assassinations of judges.

52. The Commission listed its recommendations under four headings:

I. Recommendations arising directly from the results of the Commission's investigations: these relate to persons found to have been involved in the cases investigated and to certain aspects of the judicial system in El Salvador;

II. Eradication of structural causes directly connected with the incidents investigated: these recommendations include full implementation of the Peace Accords; reforms in the Armed Forces and in the arrangements for public security; and the investigation of illegal groups;

III. Institutional reforms to prevent the repetition of such events: these recommendations relate to the administration of justice; the protection of human rights (including the immediate implementation of some 19 recommendations already made by ONUSAL's Human Rights Division); and the new National Civil Police;

IV. Measures for national reconciliation.

53. The Commission's recommendations require a wide range of administrative, legislative and constitutional measures, as well as certain actions by individuals. Action is required not only from the Government and FMLN but also, in particular, from the Legislative Assembly which will have to adopt new laws or revise existing ones, as well as approving and ratifying the necessary constitutional amendments (requiring majority in one legislature and ratification by a two-thirds vote in the subsequent legislature) in order to implement the recommendations. The Government and COPAZ will have an important role in promoting the necessary legislation. The time-frame for implementation varies from recommendation to recommendation.

54. Shortly after receipt of the Commission's report, President Cristiani said, in a public statement and in a letter addressed to me, that he was willing to comply strictly with those of the Commission's recommendations which fell within his competence, were consistent with the Constitution, were in harmony with the Peace Accords and contributed to national reconciliation. At the same time, spokesmen of the Government accused the members of the Commission of having exceeded their mandate and in particular of having purported to assume judicial functions. In a letter dated 5 April 1993, Mr. Schafik Handal, the Coordinator-General of the FMLN, stated that, notwithstanding a number of reservations about the Commission's report, the FMLN accepted in their entirety the recommendations it contained. In some cases, however, FMLN implementation of those recommendations was conditioned on the Government's doing likewise.

55. In the light of this reaction, I instructed that a detailed analysis be made of the Commission's recommendations, examining whether any of them was outside the Commission's mandate or incompatible with the Constitution and identifying what action was required by whom and in what time-frame. I will shortly transmit this analysis to President Cristiani, to Mr. Handal as Coordinator-General of the FMLN, and to the current Coordinator of COPAZ. I shall draw their attention to my obligation to verify implementation of the Commission's recommendations and to report thereon at regular intervals to the Security Council, it being my hope to submit the first such report by the end of June. I shall ask President Cristiani, Mr. Handal and the Coordinator of COPAZ to provide me with information, before then, about action which has been taken, or is planned, by the Government, the FMLN and COPAZ, respectively, to implement each of the recommendations for whose implementation the United Nations analysis identifies it as having responsibility. As soon as this action has been taken, I shall circulate the analysis as a document of the Security Council.

VI. ECONOMIC AND SOCIAL MATTERS

A. Transfer of land programme

56. My 13 October 1992 proposal for land transfer (see S/24833, paras. 55-60), by virtue of its acceptance by the two parties soon afterwards, in effect constitutes an addendum to the Peace Agreement. (The proposal is referred to below as the 13 October agreement.) The programme to transfer up to 237,000 mz* of land to a maximum of 47,500 people, including ex-combatants of both sides and landholders (people who had occupied land without title during the conflict years), was divided into three phases. These were determined by the availability of financial and land resources.

57. For the first phase, considered an emergency one, resources were expected to be made available from October 1992 to January 1993 since the Government was providing State lands and USAID was providing financial resources. At the time the agreement was negotiated, it already was anticipated that the implementation

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* 1 mz (manzana) equals 0.7 hectare.

of this phase would take significantly longer, given the numerous logistical problems involved in carrying out such a complex programme. In the first phase 15,400 beneficiaries were to receive 77,000 mz. Priority was to be given to demobilized FMLN combatants by giving them all available land that had not been legally transferred to landholders.

58. The second phase was to start as soon as the European Community (EC) made resources available, which was anticipated for February 1993. This phase was distinct from the first due to the EC requirement for equal benefit for FMLN ex-combatants and former members of the Armed Forces from all the land that had not been legally transferred to current landholders. The second phase was to end when 20,000 mz could be purchased with the EC funds. It was expected to benefit about 4,000 recipients.

59. For the third phase, which is to provide some 28,100 recipients with 140,500 mz, representing 60 per cent of the total, there are at present neither available financial resources nor land. It was roughly estimated that at the average price at which the Lands Bank had transferred comparable land during the previous year, $85 million was needed for this phase.

60. The land transfer programme has progressed, albeit at a slow pace. The transfer of 36 State properties and 196 private properties, totalling an area of approximately 45,000 mz, has been negotiated with resources from the first phase. Once handed over, these properties will benefit 10,000 FMLN ex-combatants and landholders. This represents slightly less than 60 per cent of the area to be handed over during the first phase and covers somewhat more than 60 per cent of the beneficiaries. However, only 13 of the private properties whose transfer has been negotiated thus far, which benefit about 200 persons, have been registered; the remaining 183 are still in one of the various legal stages that precede the issuing of titles. With resources from the second phase, over 600 FAES ex-combatants have already benefited from the handing over and final registration of 11 properties totalling an area of 1,400 mz.

61. Much tension has resulted from the delays, the most serious consequence of which is that many beneficiaries will not be able to begin cultivation this planting season, which began in May. The timely granting of loans for agricultural activities is another problem, since the majority of beneficiaries have not yet received deeds to their properties and there are formal difficulties in granting them credit. Although the Government has agreed to provide credit to landholders who have already negotiated the acquisition of land, it has so far not yet agreed to provide the credit necessary for production this season to about 80 per cent of those who have not yet negotiated such acquisitions. This is a clear departure from the Peace Agreement which establishes not only that landholders shall not be evicted pending agreement on a solution to their land tenure, but that, moreover, they shall be given financial support to increase agricultural production. Furthermore, this implies, inter alia, that greater international food assistance over a more extended time than originally anticipated will be required.

62. Both sides have contributed to the delays. The original contracts for land legalization did not conform to the agreements and had to be changed. The number of landholders is likely to be significantly higher than the ceiling of 25,000 stipulated in the agreement. Not all plots of land identified meet

expectations - in fact some of them have been rejected by FMLN. FMLN, on its part, has experienced a variety of difficulties in submitting the required lists of names and identification numbers of their demobilized recipients. Six months after the programme started, lists have yet to be presented for 97 of the 196 properties negotiated.

63. Another serious problem causing delay has been the slow and complicated procedure for the legal transfer of land under the direction of the Lands Bank (Banco de Tierras). Consisting of 17 stages, the procedure derives from laws which in some cases are 50 years old and requires some very time-consuming steps. The Government has been working with ONUSAL and FMLN, and USAID and EC as donors, to accelerate the procedure.

64. Another source of concern is that to date the Government, despite several requests, has still not provided ONUSAL with information on the process as it relates to FAES, in particular on the negotiations between FAES and the Lands Bank. Consequently, the Mission has neither been able to verify the lists of beneficiaries, nor observe the negotiations related to the buying and selling of properties and the determination of the number of beneficiaries, as it has done in the case of FMLN ex-combatants. ONUSAL has received assurances from the Government that it will provide such information.

65. The issue of greatest concern refers to the relocation of landholders occupying plots of land whose owners do not wish to sell. This practice departs from the letter, and is certainly inconsistent with the intention and the spirit of the 13 October agreement which provides that landholders occupying lands which cannot be purchased will be relocated last. The rationale for this was based on the Peace Agreement, which stipulates that combatants of both sides were to have priority and were to be given land as they demobilized, and that landholders were not to be evicted from the land they presently occupied until a solution could be found to relocate them.

66. For different reasons, both the Government and FMLN have chosen instead to relocate landholders on land whose owners are not willing to sell. Given the financial and land constraints, this is detrimental to other potential beneficiaries. The Government is under pressure from landowners who want to recover their land after so many years of not having access to it. FMLN has been under pressure from those occupying plots of land whose owners do not want to sell, because they cannot produce without access to credit and feel pressured to leave the land. At the same time some FMLN ex-combatants have not been willing to accept State lands offered by the Government in the expectation of getting private land closer to their families who live elsewhere. Thus, for reasons which may be expedient in the short term both sides have accepted a reversal of the sequence and an alteration of the logic of the 13 October agreement by giving priority to the relocation of landholders. This could well compromise the success of a programme which was already quite ambitious in its original conception.

67. The relocation of landholders at this stage, when hardly 22 per cent of the potential beneficiaries have negotiated the purchase of land, will put unnecessary pressure on the land transfer programme and might even cause its failure. If landowners perceive that they can get rid of people occupying their land, they will be less likely to sell or they might demand higher prices

(prices more in keeping with those of unoccupied land). This is likely to create four types of problems: (a) insufficient land for all prospective beneficiaries; (b) an increased need for financial resources to finance the programme; (c) if beneficiaries have to pay very high prices for their land, servicing their debt will become very difficult; and (d) transfer of land to demobilized members of FMLN and the Armed Forces will have to be delayed because of lack of financial resources.

68. Given the prices negotiated to date with private owners ($750 on average and rising, in comparison with the $600 prevailing before the programme started), there will not be enough financial resources available to carry out the first two phases. For the third phase $105 million will be needed rather than the $85 million estimated earlier. The distortion which is occurring in the implementation of the land programme will inevitably have a deleterious effect on efforts to obtain external financial assistance, which are already proving exceedingly difficult, a problem which will be addressed in section X.

69. The credit available has not only been insufficient for the purchase of land but also for housing and crop-raising. A recent study conducted by ECLAC at my request has found that even under the most optimistic assumptions regarding productivity, production costs and market prices, the vast majority of beneficiaries of land transfers who limit land use to grain production could not generate enough income on their plots to cover the basic needs of their families and the servicing of their debt. This means that most beneficiaries of land transfers who do not diversify into more productive crops will have to look for additional income during the fallow months, mostly as wage earners in labour-intensive export crops during the harvest period. Medium-term credit and technical assistance would allow beneficiaries to diversify into more profitable activities.

B. Forum for Economic and Social Consultation

70. On 22 February 1993, a landmark agreement was signed at the Forum by representatives of the Government, business and labour, whereby the right of labour to associate was effectively recognized for the first time. The agreement also established the principle of a tripartite mechanism for agreeing on ways to deal with labour conflicts. On 14 April, the Forum created a commission to facilitate the examination of 29 International Labour Organisation conventions proposed for adoption by the labour sector. Unfortunately, a stalemate has developed on four of the conventions being analysed for subsequent ratification; these relate to the right of labour to organize. This set-back threatens to obstruct work at the Forum, where discussions on the Labour Code are still pending.

C. Reintegration programmes

71. The Peace Agreement established that the main objective of the National Reconstruction Plan would be the development of the former zones of conflict, satisfaction of the most immediate needs of the population hardest hit by the conflict, and the reconstruction of damaged infrastructure. The Reconstruction Plan also provides for the taking of measures to facilitate the reintegration

into civilian life of FMLN ex-combatants and war-disabled. In this context, the programmes set up by the Government for the reintegration of close to 11,000 FMLN ex-combatants in the above two categories are under way, as outlined below.

72. Concerning short-term programmes, the distribution of agricultural tools and basic household goods was completed at the end of April 1993; the agricultural training programme, coordinated by UNDP was completed in mid-April; and the programme for industrial and services training, temporarily suspended pending the allocation of more funds, is likely to continue up to August 1993.

73. As regards other programmes, the Government and FMLN have agreed to an interest rate of 14 per cent, which is below market rates, for micro-business ventures and agricultural activities. Agricultural credit will be granted to all beneficiaries who have completed negotiations for the purchase of land, even if they have not yet received their final deed. Discussions held between the Government and potential donors, with ONUSAL participation, on the funding of fellowships for high-level studies resulted in an agreement to start the programme with available AID funds while pledged resources from Germany are being transferred. The programme for housing is not yet under way.

74. Programmes for the war-disabled have encountered difficulties stemming from the failure of both sides to agree on ways to provide long-term rehabilitation. The urgency of agreeing on and implementing such programmes was highlighted by the tragic events of 20 May in San Salvador. The medical programme suffered a three-month interruption (from February to April) as a result of disagreements between the two sides on the selection of personnel for the running of the programme and of the delay in equipping the hospital. The implementation of the Law on the Fund for the Protection of War Disabled is dependent on the Government's handing over its initial financial contribution on 22 June, to the Board of Directors, which should have been sworn in at the end of April. The European Community is also contributing approximately $46,000 to the project on registration of potential beneficiaries of the Fund. ONUSAL has had no access to the implementation of programmes for the reintegration of FAES ex-combatants nor to information as to the financial compensation established for troops discharged as a result of the Peace Agreement.

75. A programme for the reintegration of former officers and medium-rank commanders of FMLN was agreed on 4 February 1993. It covers a maximum of 600 beneficiaries and provides for training, subsistence allowance, credit for production ventures and housing. UNDP, which is administering the training and technical assistance part of this programme, began its work in April with a view to effecting the final phase of the programme by 14 June.

VII. POLITICAL PARTICIPATION BY FMLN

76. Soon after being granted full legal status as a political party, FMLN ended its former military structure and adopted that of a political organization. A national committee of 15 members - three for each of the five groups - took over the leadership from the former five-member General Command (Comandancia General). A Coordinator General, Mr. Schafik Handal, was appointed with authority to represent FMLN as a political party.

77. FMLN has established a large number of party offices in municipalities throughout El Salvador. It has also held meetings to enrol new members. Local assemblies have been held and departmental conventions are to commence towards the beginning of June. At a national convention scheduled for the end of June, decisions will be taken concerning campaign strategy and tactics for the forthcoming elections, including party alliances and selection of candidates. This consultation process is developing in an atmosphere where freedom of expression is fully respected.

78. Draft legislation on special protection for high-risk personalities, which will provide appropriate security to the leadership of FMLN as well as that of other parties, was unanimously approved in COPAZ but is still awaiting consideration by the Legislative Assembly. The Government has given approval to the import of vehicles by FMLN, but action is still pending on the issuance of the required permits (franquicias).

79. Under the agreement of 22 December 1992, the Government had undertaken to assign to FMLN a series of radio and television frequencies by 15 January 1993. This has been partially implemented with the assignment of four frequencies (three FM and one AM), two of which have been activated. However, FMLN has not been assigned any frequencies for UHF television or short-wave radio broadcasts.

VIII. RESTORATION OF PUBLIC ADMINISTRATION IN THE FORMER ZONES OF CONFLICT

80. An advance of special significance is that public administration has now been fully restored in the former zones of conflict. As the members of the Council will recall, this process took place in two stages. When the Peace Agreement was signed, 68 of the 262 mayors of El Salvador were away from their jurisdictions. Soon after the signing of the Agreement, 24 of them returned to these and were followed soon afterwards by almost the same number of judges. Opposition by local community organizations to the return of the remainder of the mayors and resistance by the latter to negotiating with the former on a framework for their return effectively halted the process. Under arrangements subsequently negotiated by ONUSAL, 42 of the 44 mayors returned to their jurisdictions by mid-February 1993. Similarly, most of the judges have also returned, with the exception of a few who have been unable to do so for lack of adequate premises in which to carry out their functions.

81. By mid-April 1993 all the mayors who had returned had organized public town meetings (cabildos abiertos) for the purpose of identifying projects for the reconstruction of their communities. In addition, these meetings served to elect representatives to municipal reconstruction and development commissions (comisiones de reconstrucción y desarrollo) made up of the mayor and his municipal council and an equal number of members elected by the community. One of the commissions' main functions is to select for financing by the Secretariat for National Reconstruction the most important reconstruction projects from among those put forward by the townspeople. Through this procedure, nearly 400 projects were submitted to the Secretariat for National Reconstruction between 15 October 1992 and 16 April 1993. Funds have been earmarked for this purpose in the National Reconstruction Plan. However, according to information received by ONUSAL, the Secretariat has to date disbursed funds for only a small

number of the projects requested. ONUSAL expects the Government to take urgent steps to accelerate the feasibility studies for these projects and their financing, as delays are creating resentment and frustration among those who have helped to reconcile the communities most divided by the war but are unable to initiate reconstruction for lack of support.

IX. ELECTORAL SYSTEM

82. In December 1992, the Legislative Assembly approved by consensus a new Electoral Code the text of which had required protracted discussions in COPAZ. In a letter addressed to me by President Cristiani on 8 January 1993, the Government of El Salvador formally requested United Nations observation of the elections for the presidency, the Legislative Assembly, mayors and municipal councils, due in March 1994. The process would encompass the period prior to, during and after the elections. On 26 January, I informed the Security Council of the request (S/25241), pointing out that these would be the first elections to be held after the end of the armed conflict and that they would mark the culmination of the peace process. I urged the Security Council to accede to this request.

83. A technical mission visited El Salvador from 18 to 28 April. The purpose of the mission was to define the terms of reference, concept of operations and financial implications of expanding the ONUSAL mandate to include the observation of the electoral process. During its visit, the technical mission held several meetings with the Supreme Electoral Tribunal, COPAZ and the political parties. Its report - the main findings of which are summarized below - is available to the Council upon request.

A. Main findings of the mission

84. Based on prior experience in Nicaragua, Haiti, Angola and Eritrea, United Nations observation requires wide geographical and chronological coverage in order to monitor the conformity of electoral practice to patterns implicit in free and fair elections. This fosters acceptance among all concerned of the legitimacy of the process and its final outcome. In El Salvador, the task will be greatly facilitated by the knowledge and experience that ONUSAL has accumulated since its inception in July 1991.

85. The main areas of concern identified by the technical mission revolve around the serious inadequacies of the existing electoral roll and the difficulties encumbering the timely issue of electoral documents. The foremost deficiencies are:

(a) The large number of names belonging to expatriates or to dead persons; and insufficient controls at the national level to avoid double registration. Although both factors could result in multiple voting, that risk can be minimized through controls made possible by the new equipment available to the Data Processing Centre, and through procedures that effectively prevent any person from voting more than once, such as the use of indelible ink.

(b) Differences between the names included in the electoral rolls and those in the electoral cards, and/or persons with valid electoral cards whose names did not appear in the electoral rolls. These resulted in a considerable number of citizens not being able to exercise their right to vote at the legislative and municipal elections of March 1991.

(c) There is a large number of citizens who are not included in the electoral roster. Although no reliable data are available, it is estimated that about one third of the potential voters are not included in the electoral rolls or do not have a valid electoral card. As electoral registration is voluntary in El Salvador, it would be unrealistic to expect the electoral rolls to provide a full coverage. However, there are clear indications that this large percentage of non-registered voters cannot be attributed to lack of interest, but rather to problems in the registration process. Abundant circumstantial evidence exists that problems in this area are massive. In many cases, potential voters are required to go to the registration centres repeatedly before obtaining their document which, despite the 30-day time-limit established by law, is frequently issued with several months' delay. In some cases, registration is denied because validation cannot be achieved owing to the fact that the electoral authorities have not been able to obtain or process the person's birth certificate.

(d) In order to detect and correct existing mistakes, the Supreme Electoral Tribunal launched a campaign which failed to produce significant results. However, although the campaign was not aimed at increasing registration, the number of requests for registration more than tripled during the campaign. This unexpected result indicates what could be achieved by a massive effort to increase the number of registered voters. Operational adjustments to registration procedures and a well-designed campaign conceived to reduce drastically the number of non-registered citizens are essential pre-conditions for achieving a broad consensus on the legitimacy of the electoral process.

86. One of the daunting problems faced by both the electoral authorities and the observation mission is the scarcity of reliable data. Adequate data on the number of non-registered voters would be available through questions included in the sample (muestra de verificación) used by the census authorities to verify the census data. But it will be necessary to improve the information on the factors restricting registration so that the registration drives organized by the electoral authorities are based on solid grounds. It would also be important to improve the knowledge and understanding of the registration process. This would allow the electoral authorities to improve their case when explaining to the public the reasons for the failure to provide adequate responses to requests for registration. The improved information will also help to avoid a large number of requests in the few weeks before the closing of registration. It will also permit the establishment of a factual starting-point for the observation process.

87. Political parties represented by their Secretaries-General in the inter-party commission (Interpartidaria) have conveyed their concerns about the registration process to the Supreme Electoral Tribunal and urged the establishment and effective functioning of the Board of Vigilance of the

political parties which, in accordance with the Electoral Code, should closely monitor the work of the Tribunal.

B. Terms of reference

88. The electoral component of ONUSAL should observe the electoral process before, during and after the elections in order to:

(a) Verify that measures and decisions taken by all electoral authorities are impartial and consistent with the holding of free and fair elections;

(b) Verify that appropriate steps are taken so that qualified citizens are included in the electoral roster, thus enabling them to exercise their right to vote;

(c) Verify that mechanisms are in place effectively to prevent multiple voting, given the unfeasibility of screening of the electoral roll prior to the elections;

(d) Verify that freedom of expression, organization, movement and assembly are respected without restrictions;

(e) Verify that potential voters have sufficient knowledge of the mechanisms for participating in the election;

(f) Examine, analyse and assess criticisms made, objections raised and attempts undertaken to de-legitimize the electoral process and, when required, convey such information to the Supreme Electoral Tribunal;

(g) Inform the Supreme Electoral Tribunal of complaints received regarding irregularities in electoral advertising or possible interferences with the electoral process; when appropriate, require information on corrective measures taken;

(h) Place observers at every polling site on election day to verify that the right to vote is fully respected;

(i) Assist the Special Representative of the Secretary-General in preparing periodic reports to the Secretary-General, who will in turn inform the Supreme Electoral Tribunal and report to the Security Council as necessary.

89. In carrying out its functions, the Electoral Division, under the overall authority of my Special Representative, will coordinate its activities with those of the Human Rights, Police and Military Divisions in their respective spheres of competence.

C. Concept of operations

90. In order to carry out these duties, I recommend that an Electoral Division be established as part of ONUSAL in five stages, as follows:

1. 1 to 30 June 1993. Preparatory stage, devoted to organization at the central and regional levels;

2. 1 July to 15 December 1993. Main tasks would be verifying citizens' registration and following political activities;

3. 16 December 1993 to 14 March 1994. Efforts should concentrate on observation of the electoral campaign;

4. 15 to 31 March 1994. Observation of the elections, counting of votes and announcement of results;

5. 1 to 30 April. Observation of a possible second round of elections for the presidency. (Should the first round yield a definitive result, the activities of the Division would conclude on 31 March 1994.)

91. The main tasks of the electoral observers would be to monitor electoral irregularities, receive complaints and convey them, as appropriate, to electoral authorities; observe political meetings and demonstrations; follow up and assess electoral advertising and electoral-related reporting in the media. The information thus collected should be the basis for analysing trends and acting upon them as required. These activities should be carried out in close coordination with the Human Rights and Police Divisions.

92. On election day, the number of observers should increase so as to permit monitoring at every polling site. The mission should verify the counting of votes and make projections for its own use and possibly for sharing with the Supreme Electoral Tribunal.

93. The electoral observation would continue after election day to cover all aspects related to the counting of votes and possible challenges to results. The observation would conclude with the official proclamation of final results by the Supreme Electoral Tribunal.

X. ECONOMIC AND FINANCIAL IMPLICATIONS OF IMPLEMENTING THE PEACE ACCORDS: THE NEED TO SUPPORT POST-CONFLICT PEACE-BUILDING

94. National reconciliation and the consolidation of peace in El Salvador demand that the Peace Accords be implemented. While this requires the political will of the parties, financing is also critical to the success of programmes directly related to the Accords whose objective is to consolidate the peace. This applies particularly to programmes for the reintegration of ex-combatants into the economic, social and political life of the country; the creation of new institutions and the modernization of others that are essential for the construction and strengthening of a democratic society; emergency aid to poverty-ridden sectors of the population, especially in the former conflict areas; and the rehabilitation of infrastructure and basic services damaged or interrupted as a result of the conflict.

95. At the same time as El Salvador is consolidating peace on the basis of the Peace Accords, it is carrying out a stabilization and structural reform

programme to improve its productive capacity and the welfare of a large segment of the population which has been severely affected by years of war. Reconciling the two processes is problematical since the financing of the many peace-related programmes has economic and financial implications that often conflict with efforts to stabilize the economy.

96. At the Consultative Group Meeting of donor countries that took place in Paris in April this year, the Government requested financing for priority programmes which are an integral and indispensable component of the framework for peace. These included programmes for the reinsertion of ex-combatants into productive activities and those relating to the strengthening of democratic institutions. The Government also requested financing for poverty alleviation, both in areas covered by the National Reconstruction Plan and in others. Excluding the latter, the financing needed for programmes directly related to the Peace Agreement amounts to close to $1.2 billion. Of this total the Government had already committed over $300 million and the international community less than $300 million and there was a gap of about $600 million that remained to be filled.

97. Because of the urgency of financing these projects, the Government requested quick-disbursing funds which could be channelled directly or through "cofinancing" or "parallel financing" of policy-based loans. In addition to the advantage of quick financing, this would have given the Government flexibility in financing its priority projects. At the request of the parties, I wrote to the foreign ministers of donor countries supporting the Government's request and reaffirming my belief that the success of the programmes to which the Government must attribute high priority and for which financing has been requested is essential to the building and consolidation of peace.

98. The response of the donor community has not yet lived up to expectations. Although pledges were slightly more than the $800 million gap which the Government was trying to finance in the period 1993-1996, donors showed a clear preference for financing specific projects, mostly in infrastructure and the environment. Thus, of the close to $600 million gap for programmes resulting from the Peace Accords, very little external financing is envisioned. For this year alone, $220 million will be needed for the reinsertion of ex-combatants into productive activities (purchase of land, agricultural credit, housing, credit for small enterprises, pensions for the disabled, etc.) and for the promotion of democratic institutions (National Civil Police, National Public Security Academy, human-rights-related activities, the judiciary, and activities related to the coming elections).

99. Implementation of the agreements should not, however, be conditioned on the availability of foreign financing. Should there be a shortfall in this type of financing, as there will probably be, the Government will need to make adjustments in its economic programme. The study by ECLAC (see para. 69 above) found that there seems to be some room for flexibility as regards some of the targets imposed by the stabilization programme. In particular, a less restrictive ceiling on public expenditures and on the use of international monetary reserves could be adopted. At the same time, the Government needs to strengthen its fragile fiscal situation, particularly by discouraging tax evasion and reallocating expenditure, so as to make it more compatible with times of peace. While it is clear that the Government needs to make a further

effort, the support of the international community in this post-conflict peace-building phase is essential.

XI. FINANCIAL ASPECTS

100. By its resolution 47/223 of 16 March 1993, the General Assembly authorized the Secretary-General to enter into commitments for the operation of ONUSAL, subject to the review by the Security Council of the mandate of the Mission, at a rate not to exceed $2.9 million gross ($2.7 million net) per month for the period beyond 31 May 1993. This authorization is subject to the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions.

101. The cost of maintaining ONUSAL during the extension period, including the strengthening of the Mission to include verification of the general elections, will entail additional expenses. A preliminary cost estimate of the establishment of the electoral component of the Mission will be provided in an addendum to the present report.

102. As of 7 May 1993, unpaid assessed contributions to the ONUCA/ONUSAL special account for the period from inception through 31 May 1993 amounted to $26,762,272.

XII. OBSERVATIONS

103. I am glad to be able to report to the Security Council that, 16 months after the cease-fire took effect, the peace process in El Salvador has advanced significantly and is on course. Among its achievements are full respect by both parties for a prolonged cease-fire, the celebration of the formal end of the armed conflict on 15 December 1992, and the conversion of FMLN from an armed movement into a political party. As a result, two of the major goals of the Peace Accords were achieved.

104. This success has been accompanied by significant progress towards other principal objectives - the establishment of civilian control over the military, the beginnings of the establishment of a civilian police force, the reunification of Salvadorian society and the democratization of national institutions, with full respect for human rights. Both the Government of El Salvador and FMLN have demonstrated will and determination to resolve their country's problems democratically through political means, abandoning armed confrontation and conflict. They deserve recognition for accepting what seemed to both of them at times the risks of ending the armed conflict and allowing the Salvadorian people to decide democratically how they should be governed.

105. As the preceding sections of this report indicate, the path to national reconciliation has not been without difficulties. These have arisen partly from the inevitable polarization and distrust, partly from conflicting interpretations of the Peace Accords, partly from efforts by each side to extract the maximum advantage from implementation of these accords and partly from the inability of administrative structures on both sides to handle the demands of implementing complex agreements which reach into the very heart of

the country's society and economy. Yet the predominating characteristic of the Salvadorian peace process has been its irreversibility.

106. At the same time, problems still exist. Efforts are required to ensure that they do not become obstacles to the continuing fulfilment of the two parties' undertakings. Both sides must intensify their joint efforts, with the support of ONUSAL, to accelerate the lands transfer programme so that the reintegration of former combatants into civilian life is expeditiously effected and a fair solution is found for those who occupied land during the war years. The establishment of a major new national institution, the National Civil Police, which has been bedeviled by delays, uncertainties and departures from the Accords, must also proceed quickly.

107. In the field of law and order, there are two points where special efforts are required from the Government. One is to begin the phasing out of the National Police, to which the Peace Agreement assigned only a transitory role, pending deployment of the National Civil Police. As indicated above, the continued strengthening of the National Police is inconsistent with the Accords and with the role of the National Civil Police as the only police authority in the country. This is a particularly sensitive issue in the context of the forthcoming elections.

108. The second is the recovery of assault weapons, of which large numbers remain in unauthorized hands. This aspect, too, could raise tensions during the electoral process, apart from contributing unnecessarily to the high level of common crime. I call upon the Government of El Salvador to fulfil both of these undertakings. They are major elements of the Peace Accords and their neglect would endanger the country's democratization and stability.

109. I am glad to be able to confirm to the Council that the long-delayed implementation of the recommendations of the Ad Hoc Commission on the purification of the Armed Forces is now on its way to completion, as reported to the Security Council in my letter of 2 April 1993 (S/25516). I wish to express my high appreciation to the members of the Commission, Dr. Abraham Rodriguez, Dr. Eduardo Molina Olivares and Dr. Reynaldo Galindo Pohl for having so conscientiously discharged a difficult duty to their country.

110. The question of implementing the recommendations of the Commission on the Truth has given rise to controversy and remains outstanding. This is another central element of the Peace Accords and is essential to the sometimes painful process of national reconciliation which is so vital to the building of peace. It is critical to the process that the parties should exercise leadership in this regard, in conformity with their commitment under the Peace Accords. As reported above, I am communicating to the Government and FMLN, as well as to COPAZ, which has a central role in this matter, my analysis of the action which has to be taken if I am to be able to confirm to the Security Council that the parties have fulfilled their solemn commitment to carry out the Commission's recommendations. Meanwhile, I wish to express my gratitude to the members of the Commission, Dr. Belisario Betancur, Dr. Reinaldo Figueredo and Prof. Thomas Buergenthal, for their singular devotion to their complex and delicate task.

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111. The Commission on the Truth has drawn attention to flaws which still exist in the judicial system. These inhibited the Commission from recommending that the results of its investigation should be referred to the judiciary. While some reforms have been carried out, the Constitutional and legislative reforms enacted since April 1991 did not fully reflect the agreements reached in Mexico that month. The implementation of the recommendations of the Commission on the Truth in this respect will go a long way to repairing this problem and should be given priority.

112. The elections in 1994 are likely to be the culminating point of the entire peace process. It is only when the Salvadorian people have been able to choose their President, their representatives in the Legislative Assembly and their mayors, through free and fair elections, that peace will have been consolidated in El Salvador. This presupposes an electoral process which enables all qualified Salvadorians to vote and which is free of any intimidation against parties or voters. The Supreme Electoral Tribunal has a heavy responsibility to ensure the registration of all who want to vote, the ability of all parties to campaign freely and the impartial conduct of a fair election. Much remains to be done, especially as regards registration, and the Tribunal will receive full cooperation from ONUSAL should the Security Council approve my recommendation that the Mission be authorized to observe the electoral process.

113. It is to be emphasized, however, that the successful conclusion of this peace process can be achieved only if the necessary financing is forthcoming. As has been made clear in various sections of the present report, two of the programmes - those relating to land and the new police force - do not at present have an adequate basis of financial support. Yet they are central to the Peace Accords and their failure or curtailment could threaten all that has been achieved. This state of affairs requires an urgent response both from the international donor community and from the Government. The Government's request at the Consultative Group Meeting in Paris last month for peace-related projects, which had my full support, did not receive the response which had been hoped, with the result that the problem has become acute. Further appeals for international support will be made. But this situation will have underlined to the Government that the implementation of the Peace Accords cannot depend entirely on external financing; it is the Government's responsibility, both as signatory to the Accords and as the Government of El Salvador, to define fiscal policies and public expenditure priorities which will enable it to fulfil its commitment to full implementation of the Accords.

114. In the light of the considerations and observations presented in this report, I recommend to the Security Council that it renew until 30 November 1993 the mandate of ONUSAL, and that it authorize the addition to it of an Electoral Division to observe the elections. It would be my intention to recommend, by that date, a further renewal of the Mission's mandate to enable it to complete its verification of the elections and to remain in El Salvador for a short transition period immediately thereafter.

115. At a time when all other continents are experiencing savage conflict and massive violation of human rights, the reconciliation and acceptance of pluralism in El Salvador is a remarkable example to the world. I pay tribute to the parties to the Peace Accords, especially to President Cristiani and the FMLN leadership, and to all Salvadorians, for their response to the opportunity now

offered to them to escape from the suffering and losses of long years of war and to rebuild peace in their country.

116. I also wish to express my appreciation to the United Nations agencies in El Salvador and to the non-governmental organizations that have contributed to the peace process, as well as to all the members of ONUSAL for their dedicated efforts, under the direction of my Special Representatives, Mr. Iqbal Riza and, now, Mr. Augusto Ramírez-Ocampo, to restore peace and reconciliation in El Salvador.